

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

MOTHER RAGUEL MARIE
BIZARRETTY BEY, *et al.*,

Plaintiffs,

v.

Case No. 8:23-cv-973-WFJ-TGW

BAY RIDERS
WATERSPORTS, LLC, *et al.*,

Defendants.

_____ /

ORDER

This cause comes before the Court on Plaintiff's application to proceed *in forma pauperis* (Dkt. 2) and the complaint (Dkt. 1). The magistrate judge issued a report recommending that ruling on the motion be deferred and that the complaint be dismissed with leave to file an amended complaint. Dkt. 8. The time for filing objections has passed.

The Court reviews the legal conclusions *de novo* in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010) (citation omitted); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994). The magistrate judge, in a thorough analysis, found that the complaint (Dkt. 1) does not satisfy basic pleading requirements in both form and factual allegations. In addition to the pleading deficiencies, the allegations fail to state the basis for

federal jurisdiction, particularly in view of what appears to involve a dispute over a lease agreement. For the reasons explained in the Report and Recommendation, and in conjunction with an independent examination of the file, the Court concludes that the Report and Recommendation (Dkt. 8) should be adopted as part of this order, confirmed, and approved in all respects. Accordingly, the Court rules as follows:

1. The Report and Recommendation (Dkt. 8) is adopted, confirmed, and approved in all respects and made a part of this order.

2. Ruling on Plaintiff's motion to proceed *in forma pauperis* (Dkt. 2) is deferred pending an opportunity for Plaintiff to file within thirty days a cognizable amended complaint that complies with the Federal Rules of Civil Procedure. A plaintiff corporation must appear through counsel. *See* Dkt. 8 at 2–3.

3. Plaintiff's complaint (Dkt. 1) is dismissed without prejudice. Plaintiff shall file an amended complaint, if so desired, in accordance with the Report and Recommendation within thirty (30) days. If an amended complaint is not timely filed, this matter will be closed without further notice.

DONE AND ORDERED at Tampa, Florida, on September 7, 2023.



WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO: Plaintiff